

**COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION**

FILED 06/06/03

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IN THE MATTER OF:

PETITION OF NPCR, INC.,	)	CASE NO. 2003-00143
D/B/A NEXTEL PARTNERS FOR	)	
DESIGNATION AS AN ELIGIBLE	)	
TELECOMMUNICATIONS CARRIER IN	)	
THE COMMONWEALTH OF KENTUCKY	)	

**NPCR, INC. D/B/A NEXTEL PARTNERS' RESPONSES  
TO TDS TELECOM'S INFORMATION REQUESTS**

TO: Leslie County Telephone Company and Lewisport Telephone and its attorney James Dean Liebman, 403 West Main Street, P.O. Box 478, Frankfort, KY 40602:

NPCR, Inc. d/b/a Nextel Partners ("Nextel Partners") hereby responds to Leslie County Telephone Company and Lewisport Telephone's ("TDS Telecom") Information Requests as follows:

**REQUEST NO. 1:**

Please provide boundary maps which indicate the service areas where Nextel Partners seeks ETC designation showing Leslie County Telephone Company and Lewisport Telephone local exchange areas. Also, please identify RSA, MSA, Major Trading Area ("MTA"), and county boundaries as well as existing tower/antenna sites.

**RESPONSE:**

Nextel Partners objects to producing maps it does not have. Subject to that objection, Nextel Partners responds as follows:

Nextel Partners will be withdrawing the Leslie County Telephone Company from its application, and does not at this time seek designation in that area.

Nextel Partners has attached the following:

Exhibit A: Exhibit A is a map showing the economic areas ("EAs") within the state of Kentucky. Nextel Partners is licensed to provide specialized mobile radio service, which is licensed by EA rather than by RSA, MSA or MTA. Nextel Partners is licensed within every county listed on Exhibit A. The only counties of the state in which Nextel Partners is not licensed are the six counties in EA 49 that are not identified by name. The Lewisport and Leslie service areas are identified, and are clearly within the license boundaries. There are no cell towers within the Leslie study area.

Exhibit B: Exhibit B is a map showing cell tower locations that serve areas within and around the Lewisport service area.

Exhibit C: Exhibit C is a list of street addresses for cell tower locations identified on Exhibit B.

Nextel Partners seeks confidential treatment for exhibits B and C, and has filed a petition in that regard; therefore, exhibits B and C are attached only to the copies of this response served on counsel for TDS Telecom, as those counsel have signed a confidentiality agreement.

**REQUEST NO. 2:**

As to Leslie County Telephone Company and Lewisport Telephone, please indicate the number of CMRS users currently served by Nextel Partners for which Nextel Partners seeks designation and interstate Universal Service support disbursements.

**RESPONSE:**

Lewisport – 75.

Leslie – Nextel Partners no longer seeks designation in this area.

Philip R. Schenkenberg  
BRIGGS AND MORGAN, P.A.  
2200 First National Bank Building  
332 Minnesota Street  
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James Park, Jr.  
Keith Moorman  
FROST BROWN TODD LLC  
250 West Main Street  
Suite 2700  
Lexington, KY 40507

By: Keith Moorman  
ATTORNEYS FOR NPCR, INC. d/b/a  
NEXTEL PARTNERS

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served by U.S. mail on this the 6<sup>th</sup> day of February, 2004, to the following:

James Dean Liebman  
P.O. Box 478  
Frankfort, KY 40602

Joan Coleman  
BellSouth Telecommunications, Inc.  
601 West Chestnut Street  
Room 410  
Louisville, KY 40232

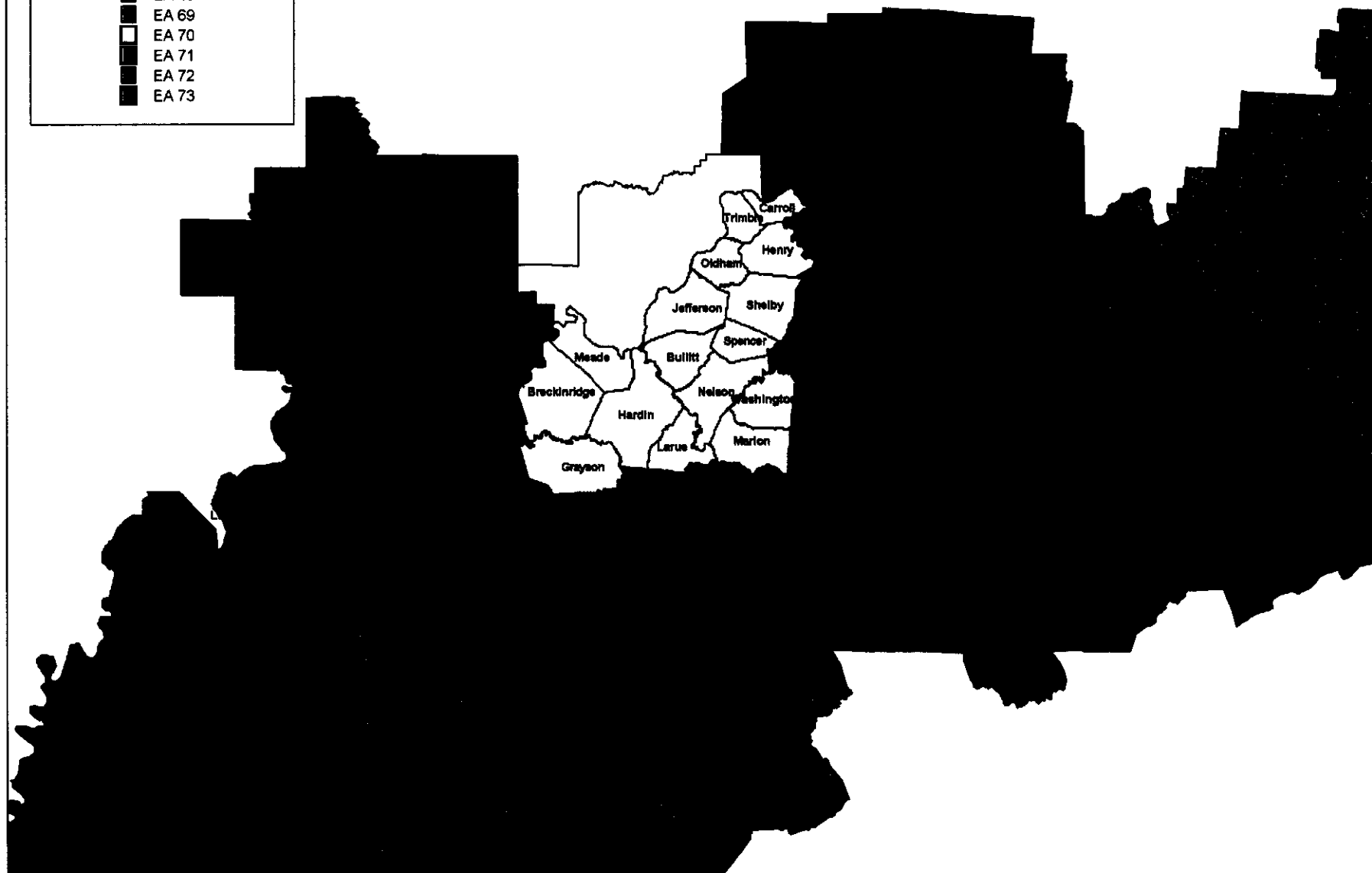
Stephen R. Byars  
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Kentucky Alltel, Inc.  
P.O. Box 1650  
Lexington, KY 40588-1650

Lindsey W. Ingram, Jr.  
Stoll, Keenon & Park, LLP  
300 West Vine Street  
Suite 2100  
Lexington, KY 40507-1801

Keith Moorman  
Keith Moorman

# Kentucky Economic Areas

- EA 47
- EA 48
- EA 49
- EA 69
- EA 70
- EA 71
- EA 72
- EA 73



EXHIBIT

A

tabbles

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**NEXTEL PARTNERS' PETITION FOR  
CONFIDENTIAL TREATMENT**

NPCR, Inc. d/b/a Nextel Partners ("Nextel Partners"), by its undersigned counsel, and pursuant to 807 KAR 5:001, Section 7, hereby petitions the Kentucky Public Service Commission ("PSC") for an Order granting confidential treatment to Nextel Partners' certain responses to TDS Telecom's Information Requests and states as follows:

1. Nextel Partners seeks to file (1) a map depicting its cell site locations in and around the area served by Lewisport Telephone and (2) a spreadsheet identifying the locations of those cell sites, all of which should be deemed confidential and proprietary by the PSC. The disclosure of such proprietary information would result in irreparable competitive harm to Nextel Partners by providing its competitors with a non-reciprocal competitive advantage. No public purpose is served by the disclosure of such information, and the Regulations of the PSC contemplate the filing of such information under Confidentiality Order in proceedings such as this. Additional grounds for this requested relief are stated in the attached affidavit of Gregory Diamond as an authorized representative of Nextel Partners designated "Exhibit 1."

2. The documents sought to be kept confidential are attached to the copy of this petition filed in a sealed envelope. Nextel Partners requests that the map and spreadsheet cumulatively identified as "Confidential Data" attached to this filing be deemed confidential by

the PSC. The entire document is sought to be kept confidential, and, therefore, copies with the confidential "portions" obscured, have not been filed, or served.

3. TDS Telecom and Nextel Partners have executed a Confidentiality Agreement, and Nextel Partners will produce the documents subject to that agreement.

WHEREFORE, Nextel Partners respectfully requests that the PSC enter all necessary Orders granting confidential treatment to the Confidential Data.

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BRIGGS AND MORGAN, P.A.  
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332 Minnesota Street  
Saint Paul, Minnesota 55101  
Telephone: 651-808-6600  
Facsimile: 651-808-6450

ATTORNEYS FOR NPCR, INC. d/b/a  
NEXTEL PARTNERS

By: Keith Moorman  
Keith Moorman

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I hereby certify that a true and correct copy of the foregoing was served by U.S. mail on this the 6<sup>th</sup> day of February, 2004, to the following:

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Keith Moorman

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THE COMMONWEALTH OF KENTUCKY	)	

**AFFIDAVIT OF GREGORY DIAMOND IN SUPPORT  
OF PETITION FOR CONFIDENTIAL TREATMENT**

STATE OF WASHINGTON	)
	) ss.
COUNTY OF KING	)

Gregory Diamond, being first duly sworn on oath, states as follows:

1. I am an attorney for Nextel Partners, Inc. ("Nextel Partners") including the Petitioner in this proceeding NPCR, Inc. In this capacity I have personal knowledge of the matters set forth in this affidavit and am authorized to make this affidavit on behalf of Nextel Partners.
2. Nextel Partners is requesting confidential treatment for its proposed filing of the following exhibits: (1) a map depicting its cell site locations in and around the Lewisport Telephone service area, and (2) a spreadsheet identifying those specific cell site locations.
3. These exhibits contain proprietary information that would aid competitors of Nextel Partners, and such trade secret information is subject to protection from disclosure pursuant to Kentucky law. *See* KRS 61.870, et seq.
4. The specific exhibits Nextel Partners proposes to file would reveal proprietary information regarding Nextel Partners' network infrastructure. This information constitutes a



trade secret because it is commercial information that, if disclosed, could cause substantial competitive harm to Nextel Partners. This information is either not publicly available or not generally available in this format. It would be difficult (or impossible) for someone to discover this information from other sources. If this information were available to competitors in this format, they could use it to the competitive detriment of Nextel Partners.

5. Unlike incumbent telephone companies who are typically subject to a high degree of regulation, wireless providers like Nextel Partners operate in a highly competitive marketplace where such proprietary information is closely guarded to ensure it is not disclosed to competitors.

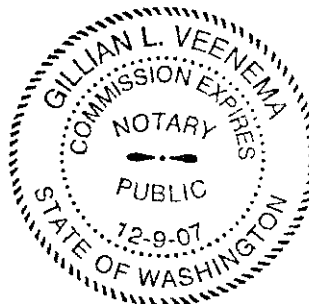
6. This information is not generally disclosed to non-management employees of Nextel Partners, and is protected internally by Nextel Partners as proprietary information.

FURTHER YOUR AFFIANT SAYETH NOT.

  
GREGORY DIAMOND

Subscribed and sworn to before me  
this 5<sup>th</sup> day of February, 2004.

  
Notary Public



**CONFIDENTIAL DATA**